

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THEODORE W. GANDY,
Plaintiff,

v.

SGT. AMOUR, et al.,
Defendants.

No. C 08-01793 SBA (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

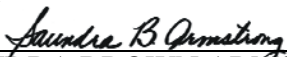
Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. On April 21, 2008, mail directed to Plaintiff by the Court was returned to the Clerk of the Court with a notation that it was undeliverable. To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by the court has been returned to the court as not deliverable, and (2) the court fails to receive within sixty days of this return a written communication from the pro se party indicating a current address. See L.R. 3-11(b).

More than sixty days have passed since the mail directed to Plaintiff by the Court was returned as undeliverable. The Court has not received a notice from Plaintiff of a new address. Accordingly, the complaint is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules. Plaintiff's in forma pauperis application is DENIED as incomplete. The Clerk of the Court shall enter judgment in accordance with this Order.

IT IS SO ORDERED.

DATED: 7/1/08


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 THEODORE W. GANDY,

5 Plaintiff,

6 v.

7 AMOUR et al,

8 Defendant.

Case Number: CV08-01793 SBA

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on July 2, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Theodore W. Gandy DPR 996
16 Santa Clara County Jail - San Jose
17 885 N. San Pedro
18 San Jose, CA 95110

19 Dated: July 2, 2008

20 Richard W. Wieking, Clerk
21 By: LISA R CLARK, Deputy Clerk
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